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UNCLAS SECTION 01 OF 02 PANAMA 000614

SIPDIS

SENSITIVE

DEPARTMENT FOR WHA/CEN
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E.O. 12958: N/A

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SUBJECT: PANAMA RESPONSE TO CHILD MARRIAGE TASKING

REF: A. STATE 36341

[1](#)B. PANAMA 608

SUMMARY

[1](#)1. (SBU) Despite laws that permit 14-year-old girls and 16-year-old-boys to marry with parental consent, legal child marriage is uncommon in Panama. Nonetheless, Panama has significant levels of early cohabitation, especially among indigenous populations in rural areas. Panamanian experts agree that child marriage among these populations perpetuates a cycle of poverty that could be addressed through increasing secondary and sexual education. In Panama, DOL-funded initiatives to combat child labor, USAID HIV/AIDs training, and Peace Corps youth programming address some of the causes and effects of de facto child marriage. End Summary.

Legal Age

[1](#)2. (U) Under Family Code Section 33, boys under 16 and girls under 14 years old cannot marry. Children 18 years old and under cannot marry without the consent of a parent or guardian. Under Family Code Sections 53 and 54, a common law marriage cannot be formed unless the pair consists of "young adults." Penal Code Section 225 also exonerates cases of statutory rape when the author contracts marriage with the victim. Panamanian prosecutors claim that the "marriage loophole" also applies to cases of commercial sexual exploitation (reftel B).

DE FACTO MARRIAGE

[1](#)3. (U) In Panama, legal marriage is relatively uncommon among the general population and even rarer in some indigenous groups. According to the 2000 census, in urban Panama and latino Herrera provinces, 29-34% of people aged 15 and over were legally married, while in the indigenous Ngobe-Bugle and Embera Wounan comarcas only 7-9% were legally married. The 2000 Panamanian census does not give a clear picture of marriage and cohabitation of minors because it does not report statistics for children under 15. Among 15-19 year olds, less than 1% reported being legally married nationwide, but 10.5% reported that they were cohabiting. In the indigenous Ngobe-Bugle and Embera Wounanan comarcas, about 29% and 37% of 15-19 year olds, respectively, reported they were cohabiting:

| | 15-19 | Married | Cohabit | All |
|--------|-------|---------|---------|-----|
| TOTAL | 2,559 | 28,506 | 268,961 | |
| URBAN | 1,417 | 13,205 | 166,795 | |
| RURAL | 1,412 | 15,301 | 102,166 | |
| NGOBE | 128 | 3,356 | 11,310 | |
| EMBERA | 6 | 216 | 694 | |

[1](#)4. (U) A 2003 GOP statistical study of legal marriage showed that girls disproportionately married at a younger age than boys. More specifically, nationwide 12 girls under 14 were married and 620 girls and 124 boys aged 15-19 were married.

EFFECT ON CHILD

[1](#)5. (SBU) Experts in government and the NGO community report that marriage and cohabitation among minors mean that children are having children, increase the phenomenon of child labor, and perpetuate the cycle of poverty. Indeed, the Ngobe-Bugle and Embera Wounan comarcas are the poorest areas in Panama. These experts also agree that programs that combat child labor, help children continue their education, teach sexual education, and impart self-esteem would most

effectively combat "de facto" marriage.

16. (SBU) Legal marriage with minors has been used to undermine prosecutions of sex crimes against minor girls (reftel B).

US INITIATIVES

17. (U) While there are no U.S.-funded initiatives in Panama that specifically address the issue of child marriage, U.S.-funded initiatives do address some of the causes and effects of child marriage. For example, the Department of Labor has funded the following programs that address the issue of child labor:

- The \$3 million Child Labor Education Initiative (FY2004-2007) aims to increase access to education for children working in agriculture and includes activities with Ngobe-Bugle and Embera-Wounan children.

- The \$1 million Country Program for Combating the Worst Forms of Child Labor (FY2002-2006) strives to help Panama identify the worst forms of child labor and to take direct action against child labor in both urban and rural areas.

- The Regional Program to Eliminate the Commercial Sexual Exploitation of Children (FY2002-2004) provided technical assistance.

18. (U) USAID funds a project that includes HIV/AIDs training. In addition, Peace Corps provides training in HIV/AIDs and has a Junior Achievement Program that promotes youth self-esteem and educates them about life choices.

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